**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.20663 of 2005

29.9.2005

Between:

1. Abothu Munamma, W/o.Mallesu, Upa-Sarpanchy,

Rajapuram Gram Panchayat, Belamara Post, Polaki Mandal,

Srikakulam District

And others

… Petitioners

AND

1. The Principal Secretary, (Panchayat Raj and Rural Development),

Government of Andhra Pradesh, Secretariat Buildings, Hyderabad

And others

… Respondents

ORDER:

The petitioners are residents of Rajapuram Gram Panchayat in Polaki Mandal of Srikakulam District. The first petitioner is Upa Sarpanch and petitioners 2 and 3 are members of Rajapuram Gram Panchayat. The petitioners seek invalidation of the orders of the Government in G.O.Ms. No.1266 dated 07.07.2005. By the said G.O. the Government accorded sanction of the proposal submitted by the Commissioner of Panchayat Raj, the second respondent herein, for shifting the headquarters of Rajapuram Gram Panchayat to Gullavanipeta village.

There are two revenue villages included in Rajapuram Gram Panchayat i.e., Rajapuram and Gullavanipeta, with headquarters at former. According to the petitioners, Gram Panchayat building was also constructed at Rajapuram in 2001-2002 and since the formation of Gram Panchayat, the office of Gram Panchayat is located only at Rajapuram, which is on the main road from D.L.Puram junction to Polaki road. The petitioners also allege that there is an Upper Primary School and other facilities at Rajapuram whereas there are no transport facilities and approach road to Gullavanipeta village. Most of the villagers of Gullavanipeta are fishermen, who are on the high-seas most of the time. The impugned G.O. was issued sanctioning the transfer of headquarters to Gullavanipeta without calling for any objections and without considering all these aspects.

It is now well settled that the decisions of the executive concerning the location of District headquarters/Panchayat headquarters lack adjudicative disposition and therefore, not justiceable. When the Government takes a decision to

sanction the proposal of the Commissioner of Panchayat Raj in accordance with relevant statutory rules unless *mala fide* action is attributed, ordinarily, a writ petition would not be maintainable. In **J.R.Raghupathy v. State of A.P.**, the Supreme Court observed as under:

> The location of headquarters by the Government by the issue of the final notification under sub-section (5) of Section 3 of the Act was on a consideration by the Cabinet Sub-Committee of the proposals submitted by the Collectors concerned and the objections and suggestions received from the local authorities like the Gram Panchayats and the general public. Even assuming that the Government while accepting the recommendations of the Cabinet Sub-Committee directed that the Mandal Headquarters should be at place 'X' rather than place 'Y' as recommended by the Collector concerned in a particular case, the High Court would not have issued a writ in the nature of mandamus to enforce the guidelines which were nothing more than administrative instructions not having any statutory force, which did not give rise to any legal right in favour of the writ petitioners.

The grounds urged in this writ petition do not warrant any interference with the impugned order. The writ petition is, accordingly, dismissed. No costs.

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(**V.V.S. RAO**,**J**)

September 29, 2005.

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